REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments and the arguments set forth fully below. Claims 1-43 were previously pending in this application. Within the Office Action Claims 1-43 have been rejected. By the above amendment, Claims 1, 12, 17, 18, 22, 30 and 37 have been amended. By the above amendment, new Claims 44-47 have been added. Claims 1-47 are now pending in this application.

Rejections Under 35 U.S.C. § 102

Within the Office Action, Claims 1-7, 9-19 and 21-43 have been rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 5,675,507 to Charles R. Bobo, II (hereinafter "Bobo"). Bobo teaches a message storage and delivery system which receives facsimile messages, voice messages and data messages. [Bobo, Abstract] Bobo teaches that the system is connected to the Internet and notifies users with an e-mail message each time a message is received. [Bobo, Abstract] After receiving this notification, the users can then connect to the system through the Internet and have the messages downloaded to their computers or preview the messages. [Bobo, Abstract] Bobo teaches that to obtain a message such as a facsimile message, the user selects an anchor for a facsimile list. [Bobo, col. 8, lines 11-17] In response to this selection, the system then displays a file containing the list of facsimiles. [Bobo, col. 8, lines 15-20] When the user selects a message on the list, the system of Bobo causes the selected message to be downloaded via the Internet to the user's computer. [Bobo, col. 8, lines 60-63] Bobo does not teach that the messages are each stored and accessed at an independently accessible address. Rather, Bobo teaches that the messages are collectively accessed through the anchor for the message list. Further, Bobo does not teach that the messages are separately accessible using an independently accessible address.

Bobo also teaches that when a new message is received, the user's mailbox is updated to display the total number and types of messages. [Bobo, col. 8, lines 21-23] Additionally, Bobo teaches that the system will send an e-mail notification to the user's computer to inform the user of the newly arrived message. [Bobo, col. 8, lines 23-27] Bobo does not teach that the new message itself will be included within the e-mail notification. Accordingly, in response to the e-mail notification of Bobo, the user will have to log into their mailbox on the Internet to access the message. Further, Bobo teaches that a first person leaves a message for the user and the e-mail notification is sent to the user. Bobo does not teach that the e-mail notification is sent to the recording user responsible for leaving the message.

In contrast to the teachings of Bobo, the present invention includes an apparatus for recording an audio file which allows a user to establish a telephone connection with a call processing and recording system to record an audio file. Once recorded, the user then has the ability to playback, edit and re-record the audio file until the user is satisfied with the audio file. Once the user is satisfied with the recorded audio file, a title or text description to be associated with the recorded audio file and the recorded audio file are stored at the call processing and recording system. When the quality and content of the recorded audio file is acceptable, then the recorded audio file, the associated title and user information is transmitted from the call processing and recording system to an internet server. When the internet server receives the recorded audio file, user information and the associated title or text description, this data is then stored in a recording database at the internet server. The recorded audio file is also associated with a profile of the recording user which is accessible by the user over the internet. An e-mail notification is also preferably sent to the *recording user* notifying the recording user of the address at which the recorded audio file can be accessed. This address is an independently accessible address on the internet. Accordingly, the recorded audio file is separately accessible

using the independently accessible address. As discussed above, Bobo does not teach that the messages are each stored and accessed at an independently accessible address. Further, Bobo does not teach that the recorded audio file is separately accessible using the independently accessible address. Still further, Bobo does not teach that the e-mail notification is sent to the recording user.

Because of the independently accessible address through which the audio file is accessed, the user can then provide this address to others allowing them to access the recorded audio file on the internet server by entering this address or selecting a hyperlink pointing to this address. This allows many people to access the audio file, rather than the one user to whom the message was directed as within the system of Bobo. When accessed from the internet server, the audio data within the recorded audio file is transmitted to the accessing computer system for playback at that accessing computer system.

Within the Office Action it is stated that the phrase "independently accessible address" is extremely broad and covers the Uniform Resource Locator (URL) address of Bobo. Bobo does not teach that recorded audio files are separately accessible using the independently accessible address. As discussed above, Bobo teaches that to obtain a message such as a facsimile message, the user selects an anchor for a facsimile list. In response to this selection, the system of Bobo then displays a file containing the list of facsimiles. Bobo does not teach that the facsimile messages are accessible other than through this facsimile list.

The independent Claim 1 is directed to a method of recording an audio file for playback over a computer system. The method of Claim 1 includes the steps of establishing a telephony connection between a telephony device and a call recording device, recording an audio communication transmitted over the telephony connection thereby establishing a recorded audio file and associating an independently accessible address with the recorded audio file, such that

when the address is accessed using the computer system, the recorded audio file is transmitted to the computer system for playback. The method of Claim 1 further includes the limitation that the recorded audio file is separately accessible using the independently accessible address. As discussed above, Bobo does not teach that an independently accessible address is associated with the recorded audio file. Further, Bobo does not teach that the recorded audio file is separately accessible using the independently accessible address. For at least these reasons, the independent Claim 1 is allowable over the teachings of Bobo.

The dependent Claim 12 includes a further limitation to the method of Claim 1 specifying that a notification is sent to a *recording user responsible for recording the audio communication* specifying the independently accessible address associated with the recorded audio file. As discussed above, Bobo teaches that a first person leaves a message for the user and the e-mail notification is sent to the user. Bobo does not teach that the e-mail notification is sent to the recording user responsible for recording the audio communication. For at least these reasons, the Claim 12 is allowable over the teachings of Bobo.

Claims 2-7 and 9-16 are all dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Bobo. Accordingly, the Claims 2-7 and 9-16 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 17 is directed to a method of recording an audio file for playback over a computer system. The method of Claim 17 includes the steps of establishing a telephony connection between a telephony device and a call recording device, recording an audio communication transmitted over the telephony connection thereby establishing a recorded audio file and including the recorded audio file within a second file, such that when the second file is accessed using the computer system, the recorded audio file is available for playback at the computer system. Bobo does not teach that a recorded audio file is included within a second file, such that when the second file is accessed using the computer system, the recorded audio file is available for playback at the computer system. For at least these reasons, the independent Claim 17 is allowable over the teachings of Bobo.

The dependent Claim 21 includes a further limitation to the method of Claim 17 specifying that the second file is an e-mail message. As discussed above, Bobo does not teach that the recorded message itself will be included within the e-mail notification. Within the system of Bobo, in response to the e-mail notification, the user will have to log into their mailbox on the Internet to access the message. For at least these reasons, the Claim 21 is allowable over the teachings of Bobo.

Claims 18, 19 and 21 are all dependent upon the independent Claim 17. As discussed above, the independent Claim 17 is allowable over the teachings of Bobo. Accordingly, the Claims 18, 19 and 21 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 22 is directed to a record and playback system for recording an audio file for later playback. The record and playback system of Claim 22 includes a means for establishing a telephony connection with a telephony device, means for recording coupled to the means for establishing a telephony connection for recording an audio communication transmitted over the telephony connection thereby establishing a recorded audio file and means for storing coupled to the means for recording for storing the recorded audio file at an independently accessible address, such that when the address is accessed by a computer system, the recorded audio file is transmitted to the computer system for playback. The record and playback system of Claim 22 includes the further limitation that the recorded audio file is separately accessible using the independently accessible address. As discussed above, Bobo does not teach that an independently accessible address is associated with the recorded audio file. Further, Bobo does not teach that the recorded audio file is separately accessible using the independently accessible address. For at least these reasons, the independent Claim 22 is allowable over the teachings of Bobo.

Claims 23-29 are all dependent upon the independent Claim 22. As discussed above, the independent Claim 22 is allowable over the teachings of Bobo. Accordingly, the Claims 23-29 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 30 is directed to a record and playback system for recording an audio file for later playback. The system of Claim 30 includes an interface circuit configured to establish a telephony connection with a telephony device, a call recording system coupled to the interface circuit to record an audio communication transmitted over the telephony connection thereby establishing a recorded audio file and a storage system coupled to the call recording system to store the recorded audio file at an independently accessible address within the storage system, such that when the address is accessed by a computer system, the recorded audio file is transmitted to the computer system for playback. The record and playback system of Claim 30 includes the further limitation that the recorded audio file is separately accessible using the independently accessible address. As discussed above, Bobo does not teach that an independently accessible address is associated with the recorded audio file. Further, Bobo does not teach that the recorded audio file is separately accessible using the independently accessible address. For at least these reasons, the independent Claim 30 is allowable over the teachings of Bobo.

Claims 31-36 are all dependent upon the independent Claim 30. As discussed above, the independent Claim 30 is allowable over the teachings of Bobo. Accordingly, the Claims 31-36 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 37 is directed to a network of devices for recording and playback of an audio file. The network of Claim 37 includes a call processing and recording system coupled to a telephone network to establish a telephony connection with a telephony device and record an audio communication transmitted over the telephony connection thereby establishing a recorded audio file, a server coupled to the call processing and recording system to store the recorded audio file at an independently accessible address, wherein the recorded audio file is separately accessible using the independently accessible address and one or more computer systems coupled to the server such that when the address is accessed by one of the computer systems, the recorded audio file is transmitted to an accessing computer system for playback. As discussed above, Bobo does not teach that a recorded audio file is stored at an independently

accessible address. Further, Bobo does not teach that the recorded audio file is separately accessible using the independently accessible address. For at least these reasons, the independent Claim 37 is allowable over the teachings of Bobo.

Claims 38-43 are all dependent upon the independent Claim 37. As discussed above, the independent Claim 37 is allowable over the teachings of Bobo. Accordingly, the Claims 38-43 are all also allowable as being dependent upon an allowable base claim.

Rejections Under 35 U.S.C. § 103

Within the Office Action, Claims 8 and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bobo as applied to Claims 1 and 17. The applicant respectfully traverses this rejection. As recognized within the Office Action, Bobo fails to disclose checking for a user profile in a user database while the user is establishing a connection. As discussed above, Bobo teaches that a first person leaves a message for the user and then the user accesses the message through their mailbox. Accordingly, within the system of Bobo there is no need, hint, teaching or suggestion to check for a user profile for the person leaving the message, as they are not the user of the system. In contrast to the teachings of Bobo, the system of the present invention, checks a user profile for the person accessing the system to record an audio file. For at least these reasons, the Claims 8 and 20 are both allowable over the teachings of Bobo.

As an alternate basis for allowability, Claim 8 is dependent on the independent Claim 1 and Claim 20 is dependent on the independent Claim 17. As discussed above, the independent Claims 1 and 17 are both allowable over the teachings of Bobo. Accordingly, the Claims 8 and 20 are both also allowable as being dependent upon an allowable base claim.

For these reasons, Applicants respectfully submit that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (650) 833-0160 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

HAVERSTOCK & OWENS LLP

Dated: _May 24, 2001_

By: _Jonathan O. Owens_
Jonathan O. Owens
Reg. No. 37,902
Attorneys for Applicant(s)

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington D.C. 20231

/HAVERSTOCK & OWENS LLP.

5/24/01 _____ By: _____

- 16 -